

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STEVEN BROWN	§	PLAINTIFF
	§	
v.	§	CIVIL ACTION NO. 1:07CV140-LG-JMR
	§	
MISSISSIPPI DEPARTMENT OF	§	
CORRECTIONS, ADMINISTRATIVE	§	
REMEDY PROGRAM, CAROLYN	§	
BANYARD, VISCIA POINTER,	§	
MICHAEL WEEKS, GALA MATTHEWS,	§	
DRUG & ALCOHOL PROGRAM AT	§	
PARCHMAN, and HARRY PEACE	§	DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THE COURT is the Report and Recommendation [24] entered by Chief United States Magistrate Judge John M. Roper on October 7, 2008. Judge Roper recommends that the Motion for Summary Judgment filed by the defendants, Mississippi Department of Corrections, Administrative Remedy Program, Carolyn Banyard, Viscia Pointer, Michael Weeks, and Harry Peace¹, should be granted. The plaintiff did not file any objections to the Report and Recommendation.

Where no party has objected to the Magistrate Judge's report and recommendation, the Court need not conduct a *de novo* review of it. See 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*,

¹ There is no indication that the defendant, Gala Matthews, has been served with process in this case. On March 8, 2007, the plaintiff filed a proof of service as to the defendant, Drug and Alcohol Program at Parchman. However, there is no indication that the Drug and Alcohol Program at Parchman has ever made an appearance in this lawsuit.

79 F.3d 1415, 1420 (5th Cir. 1996).

Having conducted the required review, the Court finds that the Chief Magistrate Judge's Report and Recommendation is neither clearly erroneous nor contrary to law. Therefore, the Court finds that the Report and Recommendation entered by Chief United States Magistrate Judge John M. Roper should be adopted as the opinion of this Court and thus, that the defendants' Motion for Summary Judgment should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [24] entered by Chief United States Magistrate Judge John M. Roper on October 7, 2008, is **ADOPTED** as the as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the defendants' Motion for Summary Judgment [20] is **GRANTED**. The plaintiff's claims against the defendants, Mississippi Department of Corrections, Administrative Remedy Program, Carolyn Banyard, Viscia Pointer, Michael Weeks, and Harry Peace, are hereby **DISMISSED WITH PREJUDICE**. The plaintiff's claims against the remaining defendants, Gala Matthews and the Drug and Alcohol Program at Parchman, are still pending before the Court.

SO ORDERED AND ADJUDGED this the 20th day of November, 2008.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE